

1 LOUIS A. LEONE (SBN: 099874)  
2 CLAUDIA LEED (SBN: 122676)  
3 KATHERINE A. ALBERTS (SBN: 212825)

**STUBBS & LEONE**

4 A Professional Corporation  
5 2175 N. California Blvd., Suite 900  
6 Walnut Creek, CA 94596  
Telephone: (925) 974-8600  
Facsimile: (925) 974-8601

7 Attorneys for Defendant  
8 SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 MM, by and through her guardian ad  
12 litem, IRENE OLIVERA, IRENE  
13 OLIVERA and MICHAEL  
14 MACDONALD,

15 Plaintiffs,

16 vs.

17 SAN RAMON VALLEY UNIFIED  
18 SCHOOL DISTRICT,

19 Defendant.

**Case No.: C12-01337 JCS**

**DEFENDANT SAN RAMON VALLEY  
UNIFIED SCHOOL DISTRICT'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT**

**Date: November 30, 2012**

**Time: 9:30 a.m.**

**Courtroom: G, 15<sup>th</sup> Floor**

20 Defendant SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT by and  
21 through its attorney, hereby requests the Court to take Judicial Notice pursuant to  
22 Federal Rule of Evidence 201 of the following:

- 23 1. Exhibit A: California Code of Regulations, Division VIII of Title 5; Notice of  
24 Proposed Rule Making  
25 2. Exhibit B: Commission on Teacher Credentialing, Education Specialist  
26 Teaching Credential: "Language and Academic Development (LAD):  
27 Frequently Asked Questions, Glossary and Charts"  
28

1 Dated: October 5, 2012

**STUBBS & LEONE**



LOUIS A. LEONE, ESQ.

CLAUDIA LEED, ESQ.

Attorney for Defendant

SAN RAMON VALLEY

UNIFIED SCHOOL DISTRICT

28 DEFENDANT SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT'S MOTION FOR SUMMARY JUDGMENT: NOTICE OF  
MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES

**EXHIBIT A**

**CALIFORNIA REGULATORY NOTICE REGISTER 2011, VOLUME NO. 15-Z****CONTACT PERSONS**

Copies may be obtained by accessing ABC's website at [www.abc.ca.gov](http://www.abc.ca.gov) or by contacting:

Susie Smith, Regulations Coordinator  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834  
E-mail: [Susie.smith@abc.ca.gov](mailto:Susie.smith@abc.ca.gov)  
Phone: (916) 928-6821  
FAX: (916) 419-2599

In the event the contact person is unavailable, inquiries regarding the proposed regulatory action should be directed to the following back-up contact person:

Matthew D. Botting, General Counsel  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834  
E-mail: [matthew.botting@abc.ca.gov](mailto:matthew.botting@abc.ca.gov)  
Phone: (916) 419-2500  
FAX: (916) 419-2599

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

After considering all timely and relevant comments received, ABC may adopt the proposed regulation amendment substantially as described in this notice. If ABC makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before ABC adopts the regulations as revised. Requests for copies of any modified regulation should be sent to the ABC's contact person identified above at the address indicated, or may be viewed on ABC's website. ABC will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

**TITLE 5. COMMISSION ON TEACHER  
CREDENTIALING****Division VIII of Title 5 of the  
California Code of Regulations****Proposed Amendments to 5 California Code  
of Regulations Pertaining to the Education  
Specialist Instruction Credential****Notice of Proposed Rulemaking**

The Commission on Teacher Credentialing proposes the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

**Public Hearing**

A public hearing on the proposed actions will be held:

**June 2, 2011  
9:00 a.m.**

**Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811-4213**

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email on the proposed action. The written comment period closes at 5:00 p.m. on May 30, 2011. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at [tfesperman@ctc.ca.gov](mailto:tfesperman@ctc.ca.gov).

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

**Authority and Reference**

Education Code section 44225 authorizes the Commission to promulgate rules and regulations that will implement, interpret or make specific sections 44225(e), 44225(q), and 44265 of the Education Code and govern the procedures of the Commission.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW*****Summary of Existing Laws and Regulations***

In June 2006, the Commission directed staff to begin the review and revision of the structure and requirements for the Special Education Teaching and Services Credentials and Added Authorizations. Later that summer, the State Budget Act included funds to carry out the review and the passage of SB 1209 (Chap. 517, Stats. 2006) authorizing the Commission to study the structure and requirements for the Education Specialist and Special Education Services Credentials.

In December 2007, the Commission approved the *Report to the Governor and Legislature on the Study of*

## CALIFORNIA REGULATORY NOTICE REGISTER 2011, VOLUME NO. 15-Z

*Special Education Certification* which contained 25 recommendations for modifications and improvements for Special Education Teaching and Services Credentials and Added Authorizations. A Commission-established Design Team had the responsibility for developing a set of proposed *Standards of Program Quality and Effectiveness* for all Education Specialist and Services Credentials, credential authorization statements for teaching and services credentials, and added authorizations in special education.

In response to the repeated calls for a special education teaching authorization that focuses on communication, language, and literacy, the Workgroup and Design Team recommended the addition of an Education Specialist teaching authorization that focuses on those communication deficiencies that impede academic achievement. At the December 2008 meeting, the Commission approved the proposed Education Specialist: Communication Development teaching authorization. The Communication Development authorization was included in proposed regulations in 2009 but the authorization was withdrawn in summer 2010 after concern was expressed about the name of the new authorization.

The California Speech-Language-Hearing Association (CSHA) and Speech-Language Pathologists (SLP) expressed concerns about the similarity of the title "Communication Development" and the Communication Disorders or Communication Sciences degree programs offered at colleges and universities. The concern was expressed that individuals, including parents, would confuse the two distinct roles—the teacher who works with students who have been identified as having a language development disability and the SLP who provides services to the students who have been identified as having a language disorder. Commission staff met with CSHA leadership and all agreed on changing the title of the new authorization to the Education Specialist Credential in Language and Academic Development.

At the November 2010 Commission meeting, staff presented an agenda item entitled "Discussion of the Proposed New Education Specialist Teaching Credential Specialty Area Authorization" (<http://www.etc.ca.gov/commission/agendas/2010-11/2010-11-2D.pdf>) which detailed the difference between the SLP Services Credential and the new LAD teaching authorization. The proposed authorization included in the November agenda item stated that the LAD authorization would not authorize instruction for any specific federal disability category but rather to teach students with specific identified instructional needs in language development across all the disability categories except for the Speech or Language Impairment category.

In discussions with employers following the November Commission meeting, there are four areas within the

Federal disability category of Speech or Language Impairment in which students may qualify for special education services: articulation disorder; abnormal voice; fluency disorders; and language disorder. While the first three areas clearly are for students needing speech therapy services provided by the holder of a SLP Services Credential, the last area, language disorder, is one that the student could be taught by the holder of a LAD authorization to assist the student in their academic communication and language needs. In addition, many of these students would also need speech therapy from an SLP Services Credential holder. Students who are eligible under the category of speech and language impairment may receive instructional services from the holder of the LAD authorization for academic support, in addition to, not instead of, speech and language services. Title 5 section 3030 which falls under the authority of the California Department of Education, details the eligibility criteria for special education services.

In December and January, Commission staff met with CSHA representatives and employer associations concerning this possible exception for the language disorder area of the Speech or Language Impairment category. All work collaboratively to create the language in the proposed regulations section 80048.6(c)(8) for the authorization of the LAD specialty area which includes the language disorder area of Speech or Language Impairment federal disability area.

Like all Education Specialist Teaching Authorizations, those holding the Language and Academic Development authorization may be the primary teacher of record, conduct educational assessments authorized by the credential, and provide resource services as well as collaboration, consultation, and co-teaching services in inclusive classroom settings. They are also authorized to serve as case managers, inclusion specialists and provide instruction in a variety of group settings and sizes if the local employer job duties fall within the authorization of the new specialty area. Teachers holding this authorization would serve students identified by an Individualized Education Program (IEP) who require services to support communication and social interaction skill development. The holder may also reinforce student's communication and language development as a teacher in an academic setting.

The Special Education Workgroup and Design Team emphasized that the new teaching authorization does not replace the current Speech-Language Pathology Services Credential. It is important to understand that the Language and Academic Development teacher and the SLP services provider will work collaboratively much like all other special education teachers work with SLP providers when the students the individual teaches have identified needs in the area of speech and language therapy.

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The purpose of the Education Specialist credential in Language and Academic Development is to provide highly needed support for academic and social success for special needs students. Individuals will be prepared to enhance skills in literacy, language and communication for special needs students. By incorporating the diagnostic and remedial skills of a general education reading specialist with the pragmatic and developmental skills of an Education Specialist serving Mild/Moderate students, the added components of language and communication skills assure that gaps are filled and missing links are found for children with special needs.

**Documents Incorporated by Reference**

*Education Specialist and Other Related Services Credentials (2008–10) Standards Program Standards* (revised 3/11)

The California Commission on Teacher Credentialing awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education. There are different types of program standards.

**Preconditions**

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are established by Commission policy. Preconditions can be found within each program's standard document.

**Common Standards**

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

**Educator Preparation Program Standards**

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission.

**Documents Relied Upon in Preparing Regulations**

Individuals with Disabilities Education Act (IDEA) Part B Regulations (34 CFR Parts 300 and 301)

*Report on the Study of Special Education Certification: A Report to the Governor and Legislature as Required by SB 1209* (Chap. 517, Stats, 2006)

Title 5 Section 3030

**Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

*Cost impacts on a representative private person or business:* The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]:* The Commission has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the



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expansion of businesses currently doing business within California.

*Effect on small businesses:* The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

#### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the agency or that had otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

#### **Contact Person/Further Information**

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

#### **Availability of Statement of Reasons and Text of Proposed Regulation**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

#### **Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

#### **Availability of Final Statement of Reasons**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is

available, it will be placed on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

#### **Availability of Documents on the Internet**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov).

## **TITLE 5. COMMISSION ON TEACHER CREDENTIALING**

### **Division VIII of Title 5 of the California Code of Regulations**

#### **Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to the Mathematics Instructional Added Authorization and Leadership Specialist Credential**

#### **Notice of Proposed Rulemaking**

The Commission on Teacher Credentialing proposes to amend the regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

#### **Public Hearing**

A public hearing on the proposed actions will be held:

**June 2, 2011**

**9:00 a.m.**

**Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811**

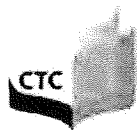
#### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email on the proposed action. The written comment period closes at 5:00 p.m. on May 30, 2011. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [tduggan@ctc.ca.gov](mailto:tduggan@ctc.ca.gov).

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

**EXHIBIT B**





COMMISSION ON  
TEACHER CREDENTIALING  
*Ensuring Educator Excellence*

## **Education Specialist Teaching Credential: Language and Academic Development (LAD): Frequently Asked Questions, Glossary, and Charts**

*This item includes a Glossary of Terms immediately following the Frequently Asked Questions section. There are four charts in Appendices 1-3 that illustrate the authorization for the LAD teaching authorization and the Speech-Language Pathology Services Credential authorization. Appendix 4 contains Title 5 section 3030 concerning Eligibility Criteria for special education services.*

### Regulations

#### **1. Why did the Commission propose a new Education Specialist specialty area in Language and Academic Development?**

In response to the repeated calls from stakeholders for a special education teaching authorization that focuses on communication, language, and literacy, the Special Education Workgroup and Design Team, appointed by the Commission in 2006, recommended the addition of an Education Specialist teaching authorization that focuses on those communication deficiencies that impede academic achievement. The Speech-Language Pathology (SLP) Services Credential authorizes a speech pathologist to provide services to students with language and/or speech disorders. The Education Specialist Credential: Language and Academic Development (LAD) authorizes individuals to teach students with communication and academic language deficiencies.

The purpose of the Education Specialist Credential: LAD is to provide highly needed support for academic and social success for students with special needs who have identified needs in language and academic development. Individuals earning this authorization will be prepared to enhance skills in literacy, language and communication for students with special needs. By incorporating the diagnostic and remedial skills of a general education reading specialist with the developmental skills of an Education Specialist serving Mild/Moderate students, the added components of language and communication skills assure that gaps are filled and missing links are found for students with special needs. See FAQs # 6, 10 and 14 for specific details on the instructional services that may be provided, the federal disability areas that may be served, and the variety of settings that may be found within the authorization for instructional services in grades preschool through 12 and up to age 22.

The emphasis on the importance of language in instructional programs has received increasing focus in California. This includes a focus in the area of English learners, academic language, and literacy. Legislative mandates for Students with Disabilities to achieve academically have been adopted and Common Core Standards, adopted by the California State Board, include listening and speaking standards.

Students with special needs may need additional academic support in addition to the speech and language services provided by a speech language pathologist. Language deficiencies may come from a variety of sources. Speech language pathologists provide services in the area of speech and/or language disorders. The SLP identifies the student's speech and/or language service needs; however,

if the local level assessment indicates an adverse effect on the ability of the student to access the general education curriculum then the Individualized Education Program (IEP) Team may determine that **both** SLP services and specially designed special education instruction from the holder of the LAD authorization are required. Conversely, the IEP Team may determine that a student with special needs requires only instructional services and the student would be taught by the holder of a LAD authorization. As the student progresses in meeting his/her goals and outcomes, the student may or may not require SLP services. It is not required that a student with special needs being taught by the holder of a LAD authorization also receive SLP services. This is a determination made by the IEP Team based on assessments, outcomes and goals. See the Glossary for a definition of IEP Team.

**2. What is the status of the LAD specialty area authorization regulations?**

The regulations were approved on August 3, 2011 by the Office of Administrative Law. They were filed with the Secretary of State's office and are effective September 3, 2011.

*LAD Specialty Area Authorization and the SLP Authorization*

**3. Is the Education Specialist Credential: LAD an attempt to replace Speech-Language Pathologists (SLPs)?**

No. The authorization statement in Title 5 section 80048.6(b)(8) specifically states a student "...may receive instructional services from the holder of the LAD authorization for academic instruction and support, in addition to, not instead of, speech and language services." The LAD authorization is a teaching authorization that allows the holder to provide instructional services within content areas to students with special needs. It does not authorize providing speech and/or language services.

The Glossary includes the authorization statements for the LAD teaching authorization and the SLP Services Credential. In addition there are definitions for Educational Assessment, Special Education Support, and Language, Speech, and Hearing Assessment, Educational Assessment. Also see the chart in Appendix 3.

**4. What is the difference between the LAD authorization and an SLP Credential authorization?**

The simplest answer is that the LAD authorizes the holder to provide instructional services within content areas and the SLP Services Credential authorizes the holder to provide services to students identified with speech and/or language disorders. Both documents address language needs of students; one in an instructional setting and the other in a service capacity (service provider).

SLPs Credential holders are responsible for serving students with special needs who exhibit speech and/or language disorders as determined by the IEP Team as defined in Title 5, section 3030. *See Appendix 4 for the text of the Title 5 regulation.* These speech and/or language disorders must be determined to have a significant adverse educational impact upon the identified students. Misarticulations, disfluency, and voice disorders are examples of speech disorders. Deficits in the areas of receptive and expressive language encompassing semantics, morphology, syntax, and pragmatics, as described in Title 5 section 3030(c) would constitute language disorders.

Speech-language pathologists provide diagnostic information and comprehensive language and speech assessment for student and participate in the IEP Team process to develop speech and language goals in support of the core academic curriculum and the students' ability to communicate effectively with teachers and peers. Services to students with speech and/or language disorders may be provided in individual or small group sessions, in classrooms when working with teachers who are providing instructional services, or in a consultative model with teachers and parents. Speech-

language pathologists integrate students' speech and/or language goals with academic outcomes and functional performance. See the charts in Appendices 1-3.

Holders of the LAD authorization will be prepared to teach students with special needs *in an instructional setting* who demonstrate a lack of communication and language or literacy skills required to access meaningful benefit from academic instruction. Academic skills interventions include but are not limited to the following areas: literacy development, written language, and quantitative reasoning. LAD authorization holders, based on the coursework completed in their preliminary program, demonstrate a depth of knowledge and skills in the teaching strategies for early literacy skills, reading, writing and language arts including linguistic elements of reading, decoding/word analysis strategies, vocabulary, comprehension, academic language, spelling, and written language. The ability to identify deficits and offer intervention strategies in the areas of language and academic development that ultimately enable students to access the academic core curriculum is essential to this authorization and undergirds the role and function of the holder in the school instructional setting.

While the student with special needs in the area of Speech and Language Impairment is the most likely candidate for the LAD teacher to serve, students in other disability areas, especially Mental Retardation, Specific Learning Disability, Other Health Impairment, Emotional Disturbance, and Autism, may be served if the IEP Team determines that the student with special needs has an identified academic communication and language deficit and is best served in an instructional setting.

If the local level assessment indicates an adverse effect on the ability of the student to access the general education curriculum then the IEP Team may determine that **both** SLP services and specially designed special education instruction from the holder of the LAD authorization are required. Conversely, the IEP Team may determine that a student with special needs requires only instructional services and the student would be taught by the holder of a LAD authorization. As the student progresses in meeting his/her goals and outcomes, the student may or may not require SLP services. It is not required that a student with special needs being taught by the holder of a LAD authorization also receive SLP services. This is a determination made by the IEP Team based on assessments, outcomes and goals.

Holders of the LAD authorization are authorized to teach all academic subjects, consistent with the other Education Specialist teaching credentials: e.g., mathematics, science, social studies, art, physical education, and music. The credential also includes an authorization for Autism Spectrum Disorders, Resource Specialist, and teaching English learner students with special needs.

The Glossary includes the authorization statements for the LAD teaching authorization and the SLP Services Credential and definitions for Educational Assessment, Education Services, Special Education Support, and Language, Speech, and Hearing Assessment. Also see the charts in Appendix 3.

**5. What type of tests and assessments may the holder of an Education Specialist Credential: LAD administer?**

The holder of an LAD authorization may administer the same type of educational tests and assessments that all other specialty areas listed on an Education Specialist Credential may administer. They are not authorized to administer the diagnostics tests to determine if a student has a speech and/or language disorders. Those tests are administered by the holder of a SLP Credential in



Language, Speech and Hearing, a Clinical or Rehabilitative Services Credential in Language, Speech and Hearing, or other previously issued credentials authorizing speech and/or language services.

Authorization

**6. What type of instructional services will an Education Specialist Credential: LAD teacher provide?**

An individual holding an Education Specialist Teaching Credential: LAD will be a teacher for students with special needs who have been assessed at the local level and the IEP Team has determined the student requires special education services. The LAD authorization allows the holder to provide instructional services in a classroom and other settings to students with special needs with specific needs in academic communication and language areas in the following areas: language development, school readiness and social skills, and literacy development addressing competencies across the curriculum in listening, speaking, reading, writing, and academic areas.

Holders of the LAD authorization will be authorized to teach all academic subjects, consistent with the other Education Specialist teaching credentials: e.g., mathematics, science, social studies, art, physical education, and music to students within their classrooms or other settings. See question #12 for types of settings.

The LAD authorization holder has completed extensive training in communication, language and literacy as part of the preliminary Education Specialist teacher preparation program. As with all other Education Specialist authorizations, the LAD also includes authorizations for autism spectrum disorders to serve in a resource setting, and to provide instructional services to English learner students with special needs. See the Glossary for the Education Specialist Credential: LAD Authorization statement and the chart in Appendix 1.

**7. How is the LAD authorization teacher different from a Resource Specialist teacher?**

The LAD authorization allows the individual to provide instructional services to students with special needs in a classroom and other settings with specific needs in academic communication and language areas in the following areas: language development, school readiness and social skills, and literacy development addressing competencies across the curriculum in listening, speaking, reading, writing, and academic areas. In addition, the LAD also includes authorizations for autism spectrum disorders to serve in a resource setting, and to provide instructional services to English learner students with special needs.

The Resource Specialist authorization is limited to providing resource services only as determined by the IEP Team. The IEP Team determines eligibility for special education services and the most appropriate placement and service delivery model for students based on the area of needs and goals for the student. In the case of student needing resource services, the student is assigned to a general education classroom for a majority of a school day. The RSP Certificate, the RSP Added Authorization, and the RSP Authorization on an Education Specialist Credential authorize providing resource services across all disability areas.

If a resource specialist does not possess the knowledge or skills to serve a particular student in a specific specialty area, the IEP Team should determine who will provide those services and/or consult with the resource specialist. This situation most often occurs with students with special needs being provided resource services in the area of autism or who have low incidence disabilities such as deaf and hard-of-hearing, physical and health impairments or visual impairment.

**8. How is the LAD teacher different from an Education Specialist: Mild/Moderate or Early Childhood Special Education teacher?**

Holder of Education Specialist Credentials: Mild/Moderate (M/M)) and Early Childhood Special Education (ECSE) are also authorized to provide instructional services (with ECSE limited to birth to pre-K and M/M to grades K-12 up to age 22) allows instructional services in academic communication and language with specific needs in the following areas: language development, school readiness and social skills, and literacy development addressing competencies across the curriculum in listening, speaking, reading, writing, and academic areas. However, the holder of an Education Specialist Credential: LAD authorization will have completed much of the same preparation as an Education Specialist Credential: M/M authorization but will have a greater depth of knowledge in the areas of language, language acquisition, and literacy (in preschool, grades K-12 up to age 22). See the charts in Appendices 1 and 2.

**9. Are there charts available that illustrate the difference in the authorization for the LAD authorization and the authorization for the Speech-Language Pathology Services Credential?**

Yes, see the charts in Appendices 1-3.

**10. Isn't the LAD authorization just like having a generic special education credential?**

No. While the LAD authorization allows an individual to provide instructional services to students with special needs across the federal disability areas, it is limited to serving students identified with academic communication and language needs. It is not an authorization to provide generic special education services for special needs students in all disability areas. The Commission believes that most of the students taught by the LAD authorization will qualify for special education services in the mild/moderate disabilities, moderate/severe disabilities, and speech and language impairment areas. See the Glossary for the Education Specialist Credential: LAD authorization statement and the chart in Appendices 1-3.

**11. What grade level will the LAD Authorization authorize?**

The authorization is for preschool, kindergarten to grade 12 up to age 22.

**12. In what type of setting will the LAD authorization be serving?**

The service across the continuum of program options is the same for all Education Specialist Credential teaching authorizations including the LAD to serve *students with special needs* as follows: resource rooms or services; special education settings; general education settings; special schools; home/hospital settings; state hospitals; development centers; correctional facilities; non-public, non-sectarian schools and agencies as defined in Education Code Sections 56365 and 56366; and alternative and non-traditional instructional public school settings other than classrooms.

**13. Will the role of the LAD teacher be to only implement Response to Intervention and Instruction (RtI<sup>2</sup>)?**

No. The role of the LAD teacher is broader than only serving students in an RtI<sup>2</sup> model. The LAD authorization holder and other Education Specialist Credential holders may provide instructional services to students with special needs as determined by the IEP Team in an RtI<sup>2</sup> model or other service delivery models. See the Glossary for the Education Specialist Credential: LAD authorization statement and the chart in Appendix 1.

Employment

**14. Why would an employing agency hire this new LAD teacher?**

Employing agencies have identified a growing area of need to serve students with special needs from preschool through age 22 who have as part (or most) of their significant academic need, areas of deficit in the area of language/literacy/reading. Since reading is fundamental to academic learning, the teacher with a LAD authorization will be prepared to serve this growing need. In addition, a large portion of the students who qualify for special education services continue to qualify under the category of Speech and Language Impaired (SLI) for speech and/or language disorder requiring the services of a speech-language pathologist. Those students often also have academic needs above and beyond the need for speech and/or language services, especially in the core curriculum. The teacher with the LAD authorization will be prepared to provide instructional services and access to the core curriculum to these populations.

The holder of Education Specialist Credential: Mild/Moderate (M/M)) and Early Childhood Special Education (ECSE) authorizations allow instructional services (with ECSE limited to birth to pre-K and M/M to grades K-12 up to age 22) allows instructional services in academic communication and language with specific needs in the following areas: language development, school readiness and social skills, and literacy development addressing competencies across the curriculum in listening, speaking, reading, writing, and academic areas. However, the holder of an Education Specialist Credential: LAD authorization will have completed much of the same preparation as an Education Specialist Credential: M/M authorization but will have a greater depth of knowledge in the areas of language, language acquisition, and literacy (in preschool, grades K-12 up to age 22). See the charts in Appendices 1 and 2.

**15. Who will decide if an individual holding an Education Specialist Credential: LAD authorization or a SLP Services Credential will work with a student?**

The IEP Team makes the decision concerning the type of services each students with special needs should be provided. The current screening/assessment through the IEP Team process will continue whereby only an individual with an SLP Services Credential can assess a student for speech and/or language disorders and provide speech and/or language services. Based on discussion with employers, the Commission believes there will be many cases in which a student with special needs will need instructional services from the holder of a LAD authorization and speech and/or language services from a speech-language pathologist. See the charts in Appendices 1-3.

While the student with special needs in the area of Speech and Language Impairment is the most likely candidate for the LAD teacher to serve, students in other disability areas, especially Mental Retardation, Specific Learning Disability, Other Health Impairment, Emotional Disturbance, and Autism, may be served if the IEP Team determines that the student with special needs has an identified academic communication and language deficit and is best served in an instructional setting.

**16. Must students qualify for special education services to be taught by the holder of a LAD Authorization?**

Yes. Students must be assessed at the local level through the IEP Team process and qualify for special education services. The LAD authorization does not authorize providing instructional services to general education students. See the charts in Appendices 1 and 2.

**17. Will the LAD authorization be available on an Education Specialist Teaching Permit, Limited Assignment Permit and Variable Term Waiver?**



Yes. The LAD specialty area authorization may be issued on these types of documents.

LAD Teacher Preparation Program

**18. Who will be master teacher/supervisor for the Education Specialist Credential: LAD candidate?**

Initially an individual holding an Education Specialist Credential: Mild/Moderate (or the equivalent such as a Ryan Specialist Instruction Credential: Learning Handicapped) with the instructional experience in the areas of language and literacy development is the most appropriate individual to serve as the master teacher/field supervisor for the Education Specialist Credential: LAD candidate. As times goes on and individuals earn the Education Specialist Credential in the LAD specialty area, these individuals will also be appropriate master teacher/supervisors.

**19. When will there be programs available where I may take courses for the LAD authorization?**

The LAD program standards were approved in 2008 (at that time they were entitled 'Communication Development') with the other six Education Specialist specialty areas (mild/moderate, physical impairments, etc.). Prospective program sponsors may submit a program document to the Commission and as programs are approved by the Committee on Accreditation they will be listed on the Approved Programs webpage ([http://134.186.81.79/fmi/xsl/CTC\\_apm/recordlist.html](http://134.186.81.79/fmi/xsl/CTC_apm/recordlist.html)). See the information on the Commission's webpage at <http://www.ctc.ca.gov/educator-prep/new-program-submission.html> for additional information related to submitting a program. As programs are approved, the Commission will inform our stakeholders.

**20. Where can I find the LAD authorization program standards?**

The LAD Specialty Program Standards may be found starting on page 36 at <http://www.ctc.ca.gov/educator-prep/standards/Special-Education-Standards.pdf>. In addition, an individual earning a LAD authorization must meet the Education Specialist Preconditions starting on page 1 and the Common Standards starting on page 10.

**21. Will there be Level I and Level II program for LAD specialty area?**

No. The dates for program sponsors to transition from the Level I to Preliminary programs have passed. Individuals completing the Education Specialist Credential: LAD program will be issued a Preliminary credential and then will need to earn the Clear credential.

### Glossary of Terms

Term	Definition
<b>Authorization</b>	Each credential, certificate, authorization, permit, or waiver authorizes an individual to serve in a subject or subject area(s) in a setting at a grade level listed on the document. Each authorization statement provides the specifics for the authorization.
<b>Disability Area</b>	Refers to Federal Disability areas such as Specific Learning Disability, Deaf-Blind, Other Health Impaired, and Traumatic Brain Injury, etc. See the list at: <a href="http://www.ctc.ca.gov/credentials/CREDS/federal-disability-definitions.pdf">http://www.ctc.ca.gov/credentials/CREDS/federal-disability-definitions.pdf</a> for complete definitions of each area.
<b>Educational Assessment (LAD)</b>	<i>Assessment of students in a comprehensive manner within the authorization using multiple sources of information and a variety of strategies that directly measure a student's performance to meet goals in areas of grade-level academic curriculum and/or functional goals designed to meet the Individualized Education Program (IEP), Individualized Family Service Program (IFSP), and/or Individualized Transition Plan (ITP) goals and objectives regarding eligibility and services that directly result from the student's disability according to state and federal accountability systems. The assessment process may include both formal and informal assessments to evaluate students' educational instruction needs and strengths for the purpose of making accommodations, modifications, and instructional decisions.</i>
<b>Education Services (SLP)</b>	<i>Educational Services include the development of speech and language goals and objectives and the delivery of speech and language services as determined by an Individual Education Program (IEP), Individual Family Service Program (IFSP), and/or Individual Transition Plan (ITP) developed by the educational team that directly result from the student's speech and language disability. The goals and objectives are driven by the specific speech and language disorder needs of the student in accordance with state and federal laws and regulations. Educational services include the use of information and strategies that measure student progress on goals, effectiveness of accommodations/modifications, and the need for any changes in speech and language support and services. Consultation, collaboration, and speech/language academic support with teachers in the student's speech and language-based academic success is included.</i>
<b>Education Specialist Credential: LAD Specialty Area Authorization Statement</b>	<i>The Education Specialist Instruction Credential: Language and Academic Development authorizes the holder to conduct Educational Assessments related to student's access to the academic core curriculum and progress towards meeting instructional academic goals, provide instruction, and Special Education Support to individuals as defined in subsections 300.8(c)(1) through (10), (12), and (13) and to students with expressive or receptive language disorders within subsection 300.8(c)(11) of Title 34 Code of Federal Regulations, Subpart A, with academic communication and language needs in the following areas: language development, school readiness and social skills, and literacy development addressing competencies across the curriculum in listening, speaking, reading, writing, and academic areas, in preschool, kindergarten, in grades 1 - 12 through age 22, and</i>



Term	Definition
	<p><i>classes organized primarily for adults in services across the continuum of program options available.</i></p> <p><i>The Education Specialist Instruction Credential: Language and Academic Development authorizes the holder to provide instructional services to students with academic communication and language needs but does not take the place of speech and language services as defined in Education Code section 56333.</i></p>
<b>Individualized Education Program (IEP) Team</b>	<p>As required in Title 5 section 3030 (found in Appendix 5), students must be assessed to determine that the degree of their impairment requires special education services in one or more of the program options authorized by Education Code section 56361. The decision whether the assessment results demonstrate that the degree of the student's impairment requires special education services is made by the Individualized Education Program (IEP) Team including the assessment personnel. The specific implementation processes and procedures of these criteria shall be developed by each special education local plan area.</p> <p>The IEP Team may have additional titles in areas of California including the Multi-Disciplinary Assessment Team (MDAT) and Assessment/IEP Team.</p>
<b>Language, Speech, and Hearing Assessment (SLP)</b>	<p><i>Assessments include procedures, techniques, and instrumentation, both formal and informal, used to assess the speech and language status of children and the implications of speech/language disorders in a school or educational setting. The assessment includes the screening, evaluation, and interpretation of test results and referrals for further evaluation for treatment.</i></p>
<b>Preliminary Education Specialist Teaching Credential</b>	<p>Effective June 26, 2010, this is the entry level Education Specialist Credential issued for five years following completion of a specific set of requirements including but not limited to a bachelor's degree, preparation program including student teaching, and specific content coursework. The credential also includes authorizations for autism spectrum disorders to serve in a resource setting, and to provide instructional services to English learners with special needs.</p>
<b>Services Credential</b>	<p>A credential that authorizes an individual to provide services in the California public schools. Requirements for a services credential include the completion of a professional preparation program in the specific area. Services Credential Programs include Administrative, Pupil Personnel and Speech-Language Pathology.</p>
<b>Special Education Support (LAD)</b>	<p><i>Support includes participation in the IEP, Individualized Family Service Program, and/or Individualized Transition Plan process including planning and implementation of the student's IEP, Individualized Family Service Program, and/or Individualized Transition Plan; providing consultative, collaborative, and coordinating specially designed instruction with students, parents, teachers, and other community and school personnel; planning, developing, and implementing instructional program plans relative and within the authorization of the credential or added authorization. Special education support does not include providing language, speech and hearing therapy, orientation and mobility, or audiology services.</i></p>

Term	Definition
<b>Speech-Language Pathology Services Credential Authorization Statement</b>	<i>A preliminary or clear Speech-Language Pathology Services Credential in Language, Speech and Hearing authorizes the holder to conduct Language, Speech, and Hearing Assessments and provide Educational Services, provide specific learning disability area services related to speech and language, and special education services to individuals with language and speech impairments across the special education disability areas, to students from birth through age 22 in services across the continuum of program options available found in Section 80048.9.3.</i>
<b>Students with Special Needs</b>	Refers to students who are have been identified as needing specific services based on an Individualized Education Program (IEP), Individualized Family Service Program (IFSP), and/or Individualized Transition Plan (ITP). Federal regulations refer to 'child with a disability'.
<b>Teaching Credential</b>	A credential that authorizes an individual to provide instructional services in the California public schools in specific subject matter and settings.



## Appendix 1

## Federal Disability Categories and California's Education Specialist Teaching Authorizations

Federal Disability Categories	LAD	MM	MS	ECSE <sup>1</sup>	DHH	VI	PHI
<b>Autism (AUT):</b> developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child's educational performance.	#	*	X	X	*	*	*
<b>Deaf-Blindness (DB):</b> concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness	#		X		X	X	
<b>Deafness and Hearing Impairment (DHH):</b> impairment in hearing or processing linguistic information through hearing, whether permanent or fluctuating, that adversely affects a child's educational performance	#				X		
<b>Emotional Disturbance (ED):</b> An inability to learn that cannot be explained by intellectual, sensory, or health factors, an inability to build or maintain satisfactory interpersonal relationships with peers and teachers that adversely affects a child's educational performance	#	X	X	X			
<b>Mental Retardation (MR):</b> significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance	#	X	X	X			
<b>Multiple Disabilities (MD):</b> means concomitant impairments, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.	#		X	X			X
<b>Orthopedic Impairment (OI):</b> severe orthopedic impairment that adversely affects a child's educational performance	#						X
<b>Other Health Impairment (OHI):</b> limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, is due to chronic or acute health problems adversely affects a	#	*		X			X

Federal Disability Categories		LAD	MM	MS	ECSE <sup>1</sup>	DHH	VI	PHI
child's educational performance								
<b>Specific Learning Disability (SLD):</b> means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia	#	X			X			
<b>Speech or Language Impairment (SLI):</b> a communication disorder, such as an articulation disorder, abnormal voice, or fluency disorder that adversely affects a child's educational performance ■								
Language disorder: expressive or receptive language disorder that adversely affects a child's educational performance ■	#							
<b>Traumatic Brain Injury (TBI):</b> an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.	#				X			X
<b>Visual Impairment (VI):</b> an impairment that, even with correction, adversely affects a child's educational performance	#						X	

<sup>1</sup> Birth to Pre-K Only

X = Programs under both the 1997 and 2009 standards prepare candidates to work with students in this disability category

\* = Programs under the recently adopted standards (2009) prepare candidates to work with students in this disability category

# = *Education Specialist: Language and Academic Development* programs prepare candidates to provide academic instruction for students in this disability category if the student has identified needs in **academic communication and language with specific needs in the following areas: language development, school readiness and social skills, and literacy development**. Usually additional services would still need to be provided for students with DB, DHH, MD, OI, OHI, or VI. **Bold** indicates the disability categories that are most likely to be served by an individual holding a LAD

■ = See Appendix #2 and #4

LAD= Language and Academic Development    MM= Mild/Moderate    MS=Moderate/Severe    ECSE= Early Childhood Special Education  
DHH=Deaf and Hard of Hearing    VI= Visual Impairment    PHI= Physical and other Health Impairment

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## Appendix 2

<b>Special Education Eligibility Criteria (CDE ) and Education Specialist Teaching Authorizations (Commission Issued)</b>									
<b>5 CCR 3030 - Eligibility Criteria [CDE regulations]</b>		<b>Commission's Teaching Credentials</b>							
		LAD	MM	MS	ECSE	DHH	VI	PHI	
(a) A pupil has a <b>hearing impairment</b> , ...		#				X			
(b) A pupil has <b>concomitant hearing and visual impairments (Deaf-Blind)</b>		#				X	X		
(c) A pupil has a <b>language or speech disorder</b> as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria: <b>(1) Articulation disorder.</b>									
<b>(2) Abnormal Voice.</b> A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.									
<b>(3) Fluency Disorders.</b> A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.									
<b>(4) Language Disorder.</b> The pupil has an expressive or receptive language disorder		X	X <sup>1</sup>		X <sup>1</sup>				
(d) A pupil has a <b>visual impairment</b> ...		#					X		
(e) A pupil has a <b>severe orthopedic impairment</b> ...		#							X
(f) A pupil has limited strength, vitality or alertness, due to <b>chronic or acute health problems (Other Health Impairments)</b> ...		#	X		X				X
(g) A pupil exhibits any combination of the autistic-like behaviors ...		X <sup>2</sup>	X <sup>2</sup>	X	X	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
(h) A pupil has significantly <b>below average general intellectual functioning (Mental Retardation)</b> ...		X	X	X	X				
(i) Because of a <b>serious emotional disturbance</b> , ...		#	X	X	X				
(j) A pupil has a disorder ( <b>Specific Learning Disorder</b> ) ...		X	X		X				
<b>Federal Disability Categories: Eligibility Criteria</b>									
		LAD	MM	MS	ECSE	DHH	VI	PHI	
<b>Multiple Disabilities</b>		X		X	X				X
<b>Traumatic Brain Injury</b>		X			X				X

X Programs prepare candidates to teach students in this disability category

# If the student has identified needs in **academic communication and language with specific needs in the following areas: language development, school readiness and social skills, and literacy development**, usually additional services would still need to be provided for students with DB, DHH, MD, OI, OHI, or VI.

1 M/M and EC SE areas authorize instructional services (with ECSE limited to birth to pre-K and M/M to grades K-12 up to age 22). However, holder of the LAD has additional preparation in this area (limited to preschool, grades K-12 up to age 22)

2 Programs operating under the 2009 standards only

September 15, 2011

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## Appendix 3

5 CCR 3030 - Eligibility Criteria				
Ed SP: LAD – Education Specialist: Language and Academic Development		SLP: Speech-Language Pathology		
SLP with SCA: Speech-Language Pathology with the Special Class Authorization		Ed Sp: LAD	SLP w SCA	Services
(c) A pupil has a <b>language or speech disorder</b> as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria:				
<b>(1) Articulation disorder.</b>				
(A) The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.		No	Yes	Yes
(B) A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.				
<b>(2) Abnormal Voice.</b> A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.				
(A) A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.		No	Yes	Yes
<b>(3) Fluency Disorders.</b> A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.				
(A) A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.		No	Yes	Yes
<b>(4) Language Disorder.</b> The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:				
(A) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or		Yes	Yes	Yes
(B) The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.				

Note: *Education Specialist: Language and Academic Development* programs prepare candidates to provide academic instruction for students if the student has identified needs in academic communication and language with specific needs in the following areas: language development, school readiness and social skills, and literacy development.

SLP Credential holders are responsible for serving students with special needs who exhibit speech and/or language disorders as determined by the IEP Team.

If the local level assessment indicates an adverse effect on the ability of the student to access the general education curriculum then the IEP Team may determine that both SLP services and specially designed special education instruction from the holder of the LAD authorization are required.

September 15, 2011

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## Appendix 4

## Title 5 section 3030 - Eligibility Criteria

*A pupil shall qualify as an individual with exceptional needs, pursuant to Section 56026 of the Education Code, if the results of the assessment as required by Section 56320 demonstrate that the degree of the pupil's impairment as described in Section 3030 (a through j) requires special education in one or more of the program options authorized by Section 56361 of the Education Code. The decision as to whether or not the assessment results demonstrate that the degree of the pupil's impairment requires special education shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d) of the Education Code. The individualized education program team shall take into account all the relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decision of the individualized education program team as to the pupil's eligibility for special education. The specific processes and procedures for implementation of these criteria shall be developed by each special education local plan area and be included in the local plan pursuant to Section 56220(a) of the Education Code.*

- (a) A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.*
- (b) A pupil has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.*
- (c) A pupil has a language or speech disorder as defined in Section 56333 of the Education Code, and it is determined that the pupil's disorder meets one or more of the following criteria:*
  - (1) Articulation disorder.*
    - (A) The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.*
    - (B) A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.*
  - (2) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.*
  - (3) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.*
  - (4) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:*
    - (A) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or*
    - (B) The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When*



*standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.*

- (d) A pupil has a visual impairment which, even with correction, adversely affects a pupil's educational performance.*
- (e) A pupil has a severe orthopedic impairment which adversely affects the pupil's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.*
- (f) A pupil has limited strength, vitality or alertness, due to chronic or acute health problems, including but not limited to a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, lead poisoning, diabetes, tuberculosis and other communicable infectious diseases, and hematological disorders such as sickle cell anemia and hemophilia which adversely affects a pupil's educational performance. In accordance with Section 56026(e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001(v).*
- (g) A pupil exhibits any combination of the following autistic-like behaviors, to include but not limited to:*
  - (1) An inability to use oral language for appropriate communication.*
  - (2) A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.*
  - (3) An obsession to maintain sameness.*
  - (4) Extreme preoccupation with objects or inappropriate use of objects or both.*
  - (5) Extreme resistance to controls.*
  - (6) Displays peculiar motoric mannerisms and motility patterns.*
  - (7) Self-stimulating, ritualistic behavior.*
- (h) A pupil has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect a pupil's educational performance.*
- (i) Because of a serious emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect educational performance:*
  - (1) An inability to learn which cannot be explained by intellectual, sensory, or health factors.*
  - (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.*
  - (3) Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.*
  - (4) A general pervasive mood of unhappiness or depression.*
  - (5) A tendency to develop physical symptoms or fears associated with personal or school problems.*
- (j) A pupil has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell, or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Education Code. For the purpose of Section 3030(j):*
  - (1) Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.*
  - (2) Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.*
  - (3) The level of achievement includes the pupil's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.*
  - (4) The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341(d), which takes into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the individualized*

education program team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:

- (A) When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.
- (B) When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
- (C) If the standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
  - 1. Data obtained from standardized assessment instruments;
  - 2. Information provided by the parent;
  - 3. Information provided by the pupil's present teacher;
  - 4. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
  - 5. Consideration of the pupil's age, particularly for young children; and
  - 6. Any additional relevant information.
- (5) The discrepancy shall not be primarily the result of limited school experience or poor school attendance.